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Forty-eighth session

SUMMARY RECORD OF THE 1234th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 July 1993, at 10.30 a.m.

Chairman: Mr. ANDO

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GE.93-17282 (E)

The meeting was called to order at 10.55 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the forty-eighth session of the Human Rights Committee.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CCPR/C/86)

2. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

3. The CHAIRMAN invited the members of the Committee to consider the programme of work proposed in a one-page unofficial document (English only), which he and the secretariat had drawn up. The Committee should not take too much time over its general comments, in order to be able to devote more time to communications.

4. Mr. MAVROMMATIS pointed out that, at its current session, the Committee was to give serious consideration to the question of follow-up of its views: that would take up some of the time reserved in the programme of work for consideration of communications.

5. The programme of work was adopted.

6. The CHAIRMAN invited the Chairman/Rapporteur of the Working Group on Communications to make an oral report.

7. Mr. MAVROMMATIS (Chairman/Rapporteur of the Working Group on Communications) said that the Group, made up of Mr. Fodor, Mr. Prado Vallejo, Mr. Ndiaye, Mr. Sadi and himself, had held four very busy meetings from 5 to 9 July. It had considered a total of 16 draft recommendations comprising three decisions in favour of admissibility, eight decisions setting out views under article 5, paragraph 4, of the Optional Protocol and five decisions in favour of inadmissibility. The Working Group had likewise taken up questions relating to the follow-up of its views. The Committee might have to reconsider its earlier decision on one of the communications in the light of additional information that had been received.

8. The CHAIRMAN said that the Committee would attempt to reserve more time for the consideration of communications.

9. Mr. WENNERGREN (Chairman/Rapporteur of the Working Group under Article 40) submitted the oral report of the Group, comprising Mr. Aguilar Urbina, Mr. Dimitrijevic and himself, which had held five meetings. The Working Group had prepared the draft lists of issues to be taken up in connection with the consideration of the periodic reports submitted by Hungary (CCPR/C/64/Add.7), Egypt (CCPR/C/51/Add.7) and Bulgaria (CCPR/C/32/Add.17). It had likewise elaborated a new draft (CCPR/C/48/CRP.2) for the final three paragraphs of the draft general comment on article 18 of the Covenant, the text of which could now be adopted by the Committee. Finally, the Working Group had prepared a paper on matters relating to the

Committee's working methods which contained a number of recommendations, as well as a draft amendment to the rules of procedure. That working paper would be distributed subsequently.

10. Mr. SADI asked Mr. Wennergren whether, in his opinion, a membership of three was large enough to enable the Working Group to carry out the task entrusted to it.

11. Mr. WENNERGREN said that there was very little difference between a membership of three or four, but that if the membership of the Working Group were to number five, it would have a broader range of theoretical and practical knowledge to devote to consideration of more complex issues.

12. Mr. AGUILAR URBINA pointed out that the Working Group under Article 40 might have a heavier work load at its future sessions if it was also requested to prepare lists of issues to be taken up in connection with the consideration of initial reports of States parties.

13. Mr. PRADO VALLEJO said the working groups should generally consist of five members in order to reflect the cultures and legal systems of the various regions represented on the Committee.

14. The CHAIRMAN suggested that, during the current session, the Committee should reflect on the composition of the working groups.

15. He invited the members of the Committee to consider and adopt the lists of issues to be taken up in connection with the consideration of the periodic reports of Hungary, Egypt and Bulgaria, lists drafted by the Working Group under Article 40, taking each list section by section.

List of issues to be taken up in connection with the consideration of the third periodic report of Hungary

"I. Constitutional and legal framework within which the Covenant is implemented; state of emergency; non-discrimination; equality of the sexes; protection of the family and of children; and rights of persons belonging to minorities (articles 2, 3, 4, 23, 24, 26 and 27)

(a) What is the position of the Covenant in the Hungarian legal system? Please clarify whether individuals can invoke the provisions of the Covenant directly before the courts and other State bodies.

(b) To what extent have the provisions of the Covenant been taken into account in the formulation of the legal instruments mentioned in paragraph 7 of the report?

(c) What are the role, mandate and powers of the Constitutional Court? Does verification of the constitutionality of laws include their comparison with international treaties or only with the National Constitution?

(d) Please clarify the meaning of article 70/k of the Constitution and how it has been applied in practice (see para. 77 of the report).

(e) Has Hungarian legislation already established the office of the Ombudsman for Civil Rights? What powers and functions of the Ombudsman are envisaged? (see para. 20 of the report).

(f) What measures have been taken to disseminate information on the rights recognized in the Covenant and on the First Optional Protocol? To what extent has the public been made aware of the examination of this report by the Human Rights Committee?

(g) What are the current status and content of the Bill relating to rules applicable during a state of emergency? (see para. 35 of the report). What are the main differences compared with the system previously in force?

(h) Please provide statistical information regarding the size of any ethnic, religious and linguistic minorities living in Hungary and describe their status in law and practice.

(i) What are the current status and content of the draft law on the rights of national and ethnic minorities mentioned in paragraph 137 of the report?"

16. Mr. WENNERGREN (Chairman/Rapporteur of the Working Group under Article 40) stated that the proposed list was not exhaustive and that the members of the Committee could ask questions not included in the list.

17. Section I, paragraphs (a) to (i), of the list of issues to be taken up in connection with the consideration of the third periodic report of Hungary was adopted.

"II. Right to life; prohibition of slavery, servitude and forced labour; liberty and security of person and treatment of prisoners and other detainees (articles 6, 7, 8, 9, 10 and 11)

(a) In view of the decision of the Constitutional Court declaring the death penalty unconstitutional (para. 37 of the report), has the death penalty been abolished as a result and has any consideration been given to accession to the Second Optional Protocol to the Covenant?

(b) What are the rules and regulations governing the use of weapons by the police and security forces? Have there been any violations of these rules and regulations and, if so, what measures have been taken to prevent their recurrence?

(c) What concrete measures have been taken by the authorities to ensure the observance of article 7 of the Covenant? Can confessions or testimony obtained under duress be used in court proceedings?

(d) Please clarify under which circumstances a person may be sentenced to community service (see para. 49 of the report).

(e) Does temporary compulsory medical treatment include deprivation of liberty? Please provide information on the conditions of such treatment (see paras. 53 and 48 of the report).

(f) What is the reason for extending the duration of remand in custody from 72 hours to five days (see para. 52 of the report) and the period before a defendant is brought to trial from six to eight days (see para. 56 of the report)? Please clarify the meaning of the term 'as soon as possible' in article 55, paragraph 2, of the Constitution and comment on the compatibility of that provision with article 9 of the Covenant.

(g) Can a detainee have any recourse against arbitrary detention, comparable to habeas corpus or amparo?

(h) What are the current status and content of the draft law governing the enforcement of punishment mentioned in paragraph 60 of the report?

(i) Please provide information on arrangements for the supervision of places of detention and on procedures for receiving and investigating complaints."

18. Mr. WENNERGREN (Chairman/Rapporteur of the Working Group under Article 40) drew the Committee's attention to paragraph (b) relating to the rules and regulations governing the use of weapons by the police and security forces and said that the Spanish and French versions should be brought into line with the English text, where the term "firearms" had been replaced by the more general term "weapons".

19. Mr. AGUILAR URBINA said that the Spanish text of paragraph (c) should be brought into line with the other language versions and that the word "tortura" should be replaced by "coerción".

20. Section II, paragraphs (a) to (i), of the list of issues to be taken up in connection with the consideration of the third periodic report of Hungary was adopted.

"III. Right to a fair trial (article 14)

(a) What guarantees are there for the independence and impartiality of the judiciary?

(b) What are the status and content of the Bill on the establishment of administrative courts which has been submitted to Parliament in December 1989? (see para. 79 of the report).

(c) Please clarify the meaning of the term 'quasi-offences'. Are such offences cognizable by courts? (see para. 79 of the report).

(d) Please provide further information on the position of the legal profession and on the free legal aid system in Hungary."

21. Section III, paragraphs (a) to (d), of the list of issues to be taken up in connection with the consideration of the third periodic report of Hungary was adopted.

"IV. Freedom of movement and expulsion of aliens, right to privacy, freedom of religion, expression, assembly and association and right to participate in the conduct of public affairs (articles 12, 13, 17, 18, 19, 20, 21, 22 and 25)

(a) Please elaborate on the restrictions which have been lifted and those which remain with regard to the right freely to leave and return to the country (see para. 68 of the report).

(b) Please indicate how, for the purpose of denying an immigration permit to an alien, it is determined a priori that 'he is unlikely to integrate into [Hungarian] society' (see para. 69 of the report).

(c) Please provide further information concerning the law and practice relating to permissible interference, in particular by the secret service, with the right to privacy (see para. 92 (b) of the report).

(d) Please provide information concerning registration or any other new procedure relating to the recognition of religious denominations by the authorities. In particular, please provide further information concerning the content of Law-Decree No. 17 of 1989 regulating the functioning of religious orders (see para. 89 of the report).

(e) Please clarify in which cases a permit concerning the activity of the press can be refused or a publication prohibited. What are the status and content of the 'new more liberal regulation' that was awaiting consideration by the Parliament at the time of the submission of the report? (see para. 130 of the report).

(f) Please clarify the cases in which a press organ may be fined for violation of personal rights (see para. 92 (c) of the report).

(g) Please describe the actual experience, if any, in applying provisions relating to the right of foreign nationals to vote in local elections.

(h) Under what conditions can a court ban a citizen from participating in public affairs? (see para. 123 (b) of the report)."

22. Section IV, paragraphs (a) to (h), of the list of issues to be taken up in connection with the consideration of the third periodic report of Hungary was adopted.

23. The list of issues to be taken up in connection with the consideration of the third periodic report of Hungary was adopted as a whole, taking into account the language changes requested.

List of issues to be taken up in connection with the consideration of the second periodic report of Egypt

24. The CHAIRMAN invited the Committee to consider the list section by section.

"I. Constitutional and legal framework within which the Covenant is implemented and state of emergency (articles 2 (2), (3) and 4)

(a) Please clarify the status of the Covenant in Egypt, particularly whether individuals can invoke the provisions of the Covenant directly before the courts (see p. 38 of annex II). How can a conflict that may arise between the provisions of the Covenant and Islamic law be resolved?

(b) Have there been any proclamations of a state of emergency in Egypt since the consideration of the initial report? If so, what has been the duration of the state(s) of emergency and what rights have been derogated from during such periods?

(c) Please describe the constitutional or statutory basis for ensuring conformity with article 4 (2) of the Covenant in times of emergency.

(d) Please provide information on safeguards and effective remedies available to individuals during a state of emergency.

(e) Please provide details of the activities being undertaken in Egypt to promote awareness of the provisions of the Covenant.

(f) Please describe any factors and difficulties affecting the implementation of the Covenant. In particular, what impact do the cultures and traditions of Egypt have on the implementation of the rights contained in the Covenant?"

25. Mr. EL SHAFEI said he did not agree with the use of the term "Islamic law", in paragraph (a). The applicable law in Islamic countries was the Shari'a, which was the correct term.

26. Mr. AGUILAR URBINA pointed out that the term "Islamic law" appeared in the State party's report (CCPR/C/51/Add.7).

27. Mr. WENNERGREN (Chairman/Rapporteur of the Working Group under Article 40) added that that term appeared in the English text of the Egyptian Constitution which had been before the Working Group, with the word "Shari'a" appearing in brackets after it. If the latter term was more appropriate, it would be employed in the list.

28. It was decided to replace the words "Islamic law" by the word "Shari'a".

29. Section I, as amended, was adopted.

"II. Right to life, treatment of prisoners and other detainees and liberty and security of the person (articles 6, 7, 9 and 10)

(a) How many death penalties, and for what crimes, have been imposed and carried out since the consideration of the initial report?

(b) Is any revision of the law, with a view to curtailing the number of offences currently punishable by the death penalty, being contemplated? (see p. 48 of annex II of the report).

(c) What are the rules and regulations governing the use of weapons by the police and security forces? Have there been any violations of these rules and regulations and, if so, what measures have been taken against those found guilty and to prevent the recurrence of such acts?

(d) What investigations have been made into allegations of torture, inhuman or degrading treatment or punishment of persons deprived of their liberty, and have charges been brought against the perpetrators of such acts? What measures have been taken to prevent the recurrence of such acts?

(e) What concrete measures have been taken by the authorities to ensure the observance of article 7 of the Covenant? Can confessions or testimony obtained under duress be used in court proceedings?

(f) Please provide information on arrangements for the supervision of places of detention and on procedures for receiving and investigating complaints about conditions and treatment in such places.

(g) Please provide information about the legal prerequisites and the maximum time-limits for remand in custody and pre-trial detention and on the implementation in practice of these rules.

(h) How quickly after arrest is a person's family informed and how quickly after arrest can a person contact a lawyer?

(i) Please provide information on provisions relating to incommunicado detention."

30. Mr. WENNERGREN said that, as in the case of the list of issues to be taken up in connection with the consideration of the report of Hungary, the Working Group had decided to use the word "weapons" rather than "firearms". The French and Spanish versions of paragraph (c) should be amended accordingly.

31. Section II was adopted.

"III. Right to a fair trial (article 14)

(a) Please provide further information on the jurisdiction, composition and activities of the State security courts and their place in the judiciary and clarify their relationship with ordinary courts. Please clarify which offences under ordinary law may be placed before them by the President of the Republic (see para. 157 of the report).

(b) Please provide information on the legal and administrative provisions governing tenure, dismissal and disciplining of members of the judiciary, in particular of members of the security courts.

(c) Please provide information concerning the organization and functioning of the legal profession in Egypt.

(d) Is there a legal aid or advisory scheme and, if so, how does it operate?"

32. Section III was adopted as it stood.

"IV. Non-discrimination, equality of the sexes, freedom of religion, expression, assembly and association, political rights and rights of persons belonging to minorities (articles 2 (1), 3, 26, 18, 19, 21, 22, 25 and 27)

(a) Please provide information on laws and practice giving effect to the provisions of articles 2 (1) and 26 of the Covenant.

(b) Please clarify the statement, contained on page 40 of annex II of the report, that the State undertakes to reconcile the duties of women towards their families with their work in society and that Egyptian legislation protects and safeguards the civil and political rights of women 'in a manner consistent with their nature'.

(c) Please provide further information, including relevant statistical data, concerning the participation of women in the political and economic life of the country.

(d) Please provide information on the law and practice relating to the employment of minors.

(e) Please provide information concerning the law and practice relating to permissible interference with the right to privacy.

(f) Please comment on the main differences in the status of Islam and other religious denominations. What measures have been taken to prevent any discrimination being practised against non-Muslim believers?

(g) What controls are exercised on the freedom of the press and mass media?

(h) What are the restrictions on the exercise of the freedom of expression as guaranteed by article 19 of the Covenant?

(i) Please provide information on laws and practice concerning public meetings.

(j) Please provide information on the existence and functioning of associations and trade unions.

(k) Please provide information on measures taken by the authorities to implement article 27 of the Covenant."

33. Mr. SADI said that the Committee should focus its attention on the conditions under which a child could acquire Egyptian nationality; discrimination existed, because an Egyptian woman could not pass on her nationality to her children. He requested that a question on that subject should be inserted in the section on non-discrimination and equality of the sexes.

34. Replying to a question asked by Ms. EVATT, he said that he was not referring to children born out of wedlock but to discrimination associated with the acquisition by children of the nationality of their legally married mother.

35. The CHAIRMAN suggested asking the secretariat to draft a question, to be inserted after paragraph (c); the subsequent questions would be renumbered accordingly.

36. It was so decided.

37. Mr. EL SHAFEI said that the second part of question (f) (prior to the insertion of the new paragraph (d)) would appear to prejudice the existence of discrimination; such a presumption was contrary to the Committee's tradition. He would therefore like the question to be formulated in a more neutral fashion.

38. Mr. SADI, agreeing with Mr. El Shafei, said that, by the same token, the words "if any" should be inserted after "main differences" in the first part of question (f). Alternatively, the phrase should read: "... main differences that may exist ...".

39. Mr. NDIAYE concerned that the Committee must be neutral, but noted that the Working Group had drafted the question in the light of the information contained in the State party's report.

40. Mr. WENNERGREN said that the Working Group had always been guided by a desire for neutrality, but question (f), which had been carefully worded to read "any discriminaton" and not "discriminaton", could be put to all countries. However, the question might, for example, be recast to read: "Have there been any cases of discrimination against non-Muslim believers and, if so, what measures have been taken to prevent the recurrence of such acts?". The Working Group would draft the question along those lines.

41. Section IV, subject to amendments to the former paragraph (f) as well as to the inclusion of a new paragraph, was adopted.

42. The list of issues to be taken up in connection with the consideration of the second periodic report of Egypt was adopted as a whole, taking into account the reservations made.

List of issues to be taken up in connection with the consideration of the second periodic report of Bulgaria

43. The CHAIRMAN invited the Committee to consider the list section by section.

"I. Constitutional and legal framework within which the Covenant is implemented; non-discrimination and equality of the sexes and rights of persons belonging to minorities (article 2, 26 and 27)

(a) Please provide information on any factors and difficulties impeding the implementation of the Covenant, particularly in view of the radical changes that have occurred in Bulgaria over the last several years (see para. 3 of the report).

(b) Please clarify in what respects national legislation and practice do not yet fully conform to the Covenant with regard to the status of foreigners (see para. 28 of the report).

(c) Please provide information on cases, if any, where individuals have invoked the provisions of the Covenant directly before the courts and comment on the outcome of such cases. Please illustrate also how conflicts between provisions of the Covenant and domestic law are being resolved by the Constitutional Court.

(d) What progress has been made by the National Assembly in adopting new legislation in the field of human rights under the three-year plan referred to in the Constitution (see para. 6 of the report)? In particular, has the new Penal Code been adopted?

(e) What measures have been taken since the consideration of the initial report to disseminate information on the rights recognized in the Covenant and on the First Optional Protocol, particularly among the various minority communities in their own language? To what extent has the public been made aware of the examination of this report by the Human Rights Committee?

(f) Please provide information on the ethnic, linguistic and religious minorities living in Bulgaria and on the assistance given to them to preserve their cultural identity, language and religion.

(g) Please clarify whether members of the Turkish minority who fled Bulgaria after 1984 have the possibility to come back to Bulgaria and receive compensation.

(h) Please elaborate on the situation of the Roma (gypsies) in Bulgaria."

44. Mr. EL SHAFEI said that he appreciated the Working Group's efforts to be specific in drafting the questions. Along the same lines, the Committee could help the Bulgarian delegation to reply to those questions by specifying what it meant by "radical changes" in paragraph (a): did it have political, constitutional or legal changes in mind?

45. Mr. AGUILAR URBINA said that, generally speaking, the Working Group considered that it was desirable in some cases to use the terminology employed by the State party. As the Bulgarian authorities had spoken of "radical changes", the Working Group had retained the expression, although it might be placed in quotation marks to indicate clearly that it was the wording of the State party.

46. Mr. NDIAYE said that he approved the Working Group's method and the proposal to insert quotation marks. However, the phrase "difficulties impeding the implementation of the Covenant" in paragraph (a) appeared to be somewhat restrictive. To the best of his recollection, the Committee usually preferred the phrase "affecting the implementation of the Covenant", which had a broader connotation.

47. Mr. AGUILAR URBINA, replying to the previous speaker, said that, there again, the Working Group had drawn upon the formulation used by the State party, which had evoked the circumstances impeding the implementation of the Covenant in Bulgaria.

48. The CHAIRMAN said he took it that the members of the Committee wished to place the expression "radical changes" in quotation marks and to replace the word "impeding" by "affecting".

49. Section I, as amended, was adopted.

"II. Right to life, treatment of prisoners and other detainees, forced labour and liberty and security of the person (articles 6, 7, 8, 9 and 10)

(a) What has been the outcome of the discussion before the National Assembly on the abolition of the death penalty (see para. 57 of the report)?

(b) What are the rules and regulations governing the use of weapons by the police and security forces? Have there been any violations of these rules and regulations and, if so, what measures have been taken to prevent their recurrence?

(c) What concrete measures have been taken by the authorities to ensure the observance of article 7 of the Covenant? Can confessions or testimony obtained under duress be used in court proceedings?

(d) Please clarify the compatibility of the procedural rules on detention described in paragraphs 75 and 85 of the report with article 9, paragraphs 3 and 4, of the Covenant.

(e) Please provide information on arrangements for the supervision of places of detention and on procedures for receiving and investigating complaints.

(f) Are the United Nations Standard Minimum Rules for the Treatment of Prisoners complied with? How have these provisions been made known to the concerned police, armed forces and prison personnel as well as, in general, to all persons responsible for holding interrogations?

(g) Please provide concrete information on the operation of the Liability of State for Harm to Citizens Act (see para. 36 of the report)."

50. The CHAIRMAN said that, as in the previous lists, the term "firearms", (para. (b)) was replaced by "weapons". Also, the wording should be made consistent so far as the use of the terms "duress" and "torture" was concerned (see para. (c)). He also asked Mr. Wennergren to clarify the reference in paragraph (g) to the "Harm to Citizens" Act.

51. Mr. WENNERGREN (Chairman/Rapporteur of the Working Group under Article 40) said that, after reading paragraph 36 of the State party's report (CCPR/C/32/Add.17), the Working Group had felt that the information it contained did not make for a clear understanding of the extent to which the Act in question was applied and of its effects.

52. Mr. EL SHAFEI said that, in his view, it was implicit in the request to the State party to provide "concrete information" on the operation of that Act that it had referred to it only in abstract terms. It would be better to ask it to provide further information.

53. Section II was adopted subject to the above changes and reservations.

"III. Right to a fair trial (article 14)

(a) Please clarify what is meant by 'the judiciary power' in paragraph 19 of the report.

(b) What guarantees are there for the independence and impartiality of the judiciary? Please provide information on provisions governing the tenure, dismissal and disciplining of members of the judiciary.

(c) Please clarify whether the Supreme Administrative Court provided for in article 125 of the new Constitution has been established and, if so, provide information on its composition and functions (see para. 34 of the report)."

54. Section III was adopted as it stood.

"IV. Freedom of movement and expulsion of aliens, right to privacy, freedom of religion and expression and right to participate in the conduct of public affairs (articles 12, 13, 17, 18, 19, 21, 24 and 25)

(a) Please provide detailed information on the grounds on which issuance of a passport may be refused and clarify how the concept of 'security of the Republic of Bulgaria' is interpreted in that regard (see para. 104 of the report).

(b) Please clarify the restrictions which may be placed on the freedom of movement of foreign nationals within Bulgarian territory (see para. 107 of the report).

(c) Please provide further information concerning the law and practice relating to permissible interference with the right to privacy. Please clarify what measures have been taken to harmonize the Penal Code and the Constitution in that regard (see para. 135 of the report).

(d) Please provide information concerning registration or other procedures relating to the recognition of religious denominations by the authorities.

(e) Is there any legislation being considered to regulate the activities of the press and other media (see paras. 151 and 152 of the report)?

(f) Which authority is competent to ban an organization or a political party if it contravenes constitutional or legal provisions (see article 44, para. 3, of the Constitution and para. 174 of the report).

(g) Please provide further information on the law and practice relating to the employment of minors.

(h) Are there any categories of persons barred from public service?"

55. Section IV was adopted as it stood.

56. The list of issues to be taken up in connection with the consideration of the second periodic report of Bulgaria was adopted as a whole, subject to the above changes and reservations.

57. The CHAIRMAN then invited any member of the Committee who so wished to speak on the organization and content of the work of the current session. In particular, he called upon Mr. Wennergren, as Chairman/Rapporteur of the Working Group under Article 40, to comment on the main points considered by the Working Group, as a preliminary to a later discussion, based on a working paper to be prepared and distributed to the Committee by the Working Group.

58. Mr. WENNERGREN (Chairman/Rapporteur of the Working Group under Article 40) summing up the position, said that the Working Group had prepared a number of recommendations for the attention of the Committee. In the first

place, it considered that the procedures for the consideration of State party reports, both initial and periodic, should be harmonized. In that connection, it would be advisable to modify the practice with a view to establishing a list of issues to be taken up at the stage of considering the initial report.

59. It would likewise be advisable to transmit to the State party concerned the list of issues to be taken up - in the case both of an initial and of a periodic report - at the earliest possible date before the consideration of the report in question and, in so far as possible, at the end of the session preceding the one at which it would take place. If the Committee decided to adopt that recommendation, it should then approve the timetable for consideration of States party reports two sessions prior to the consideration itself and not at the preceding session, as had been the case until then. Moreover, the Working Group should draw up draft lists one session earlier than was the case at present. Two possibilities would then be open to the Committee: either it could examine and adopt the lists of issues at the session preceding the consideration of the reports concerned, or it could entrust the Working Group with responsibility for adopting those lists itself and for communicating them to the States parties concerned.

60. So far as the comments formulated by the Committee after it had examined the report of a State party were concerned, the Working Group considered that they should be followed up in some way. For instance, along with such comments, the Committee could request the State party concerned to indicate in its next periodic report any measures it had taken to give effect to the Committee's comments. It would also be a good idea to remind the State party that the Centre for Human Rights could be of assistance to it in that connection by making advisory services available.

61. The Working Group was also of the view that the attention of States parties should be drawn to the fact that the terms of paragraph 3 of rule 70 of the Committee's rules of procedure applied not only to "general comments" but also to the summary observations the Committee made at the end of the consideration of reports.

62. With regard to the presentation of the final comments (A/47/40, paras. 388 et seq.), the Working Group recommended that questions relating to the factors and difficulties impeding the application of the Covenant should be dealt with immediately after the introduction and should be addressed before the positive aspects, so as to ensure the necessary balance and a logical sequence. The Working Group further recommended that, at the conclusion of the consideration of country reports, the representatives of States parties should be advised of the fact that the Committee's comments would be made public immediately after the end of the Committee's session, so that States parties would be informed at the same time as the media.

63. With regard to on-site missions, the Committee might wish, on the basis of the practice proposed by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, to include in its rules of procedure a provision to the effect that, where it had been unable to obtain the information requested, and further to its recommendations as set forth in its preceding comments, it would ask the State party to agree to receive a mission consisting of one or two of its members who would have the

task of gathering the necessary information with a view to providing it with a better understanding of the situation. In the Working Group's view, the question of on-site missions was sufficiently important to warrant a rule in the Committee's rules of procedure.

64. With regard to late submission of States party reports, the Working Group recommended that a new procedure should be implemented. In the case of reports which were more than five years overdue, a note verbale should be sent to the State party requesting it to submit its report as soon as possible; if the State party did not respond to that request, within six months, the Committee would appoint one of its members to draw up a report on the implementation of the Covenant in the State concerned, the aim being to bring enough pressure to bear on the State party at least to make it decide, in its own interest, to send a representative to appear before the Committee at the meeting at which it had originally been planned to consider its report.

65. The Working Group also considered that non-governmental organizations could be invited to submit their views to it orally at the beginning of its pre-sessional meetings. An invitation to that effect could be sent to interested non-governmental organizations, on a trial basis. With regard to preventive measures, the Working Group recommended that, if the consideration of the report of a State party revealed a situation that could be regarded as constituting a threat to peace, the Committee should request the Secretary-General to inform the competent United Nations organs accordingly, so that the latter could take the appropriate measures. The Working Group further urged the Committee to give effect to the recommendation of the person chairing human rights treaty bodies to the effect that every such body should entrust one of its members with responsibility for reporting on developments occurring in each of the others. In that connection, the Committee should reiterate its request that a computerized database should be installed at the Centre for Human Rights, since that would greatly facilitate exchange of information between the various bodies.

66. Lastly, the Working Group recommended that the Committee should reaffirm the decision, it had taken at its forty-fifth session in July 1992 to prepare a draft general comment on the question of reservations formulated by States parties at the time of acceding to or ratifying the Covenant or the Optional Protocol. It had also noted that the draft general comment on article 25 had still not been brought before the Committee and it therefore proposed that a new member of the Committee should be entrusted with the task of preparing the draft, which could be submitted to the Committee at its forty-ninth session.

67. Mr. NDIAYE said that, while the Working Group's proposals were of undoubted interest, each of them fell within a different sphere of the Committee's activities; accordingly, when considering them, the Committee should seek to distinguish between the various aspects - legal, financial and other - taking as its basis the document which the Working Group would place at the disposal of members of the Committee.

68. Mr. HERNDL, agreeing with Mr. Ndiaye, added that the question of the organization of the Committee's work was of paramount importance and that it was essential to deal with it in a consistent, concise and precise manner.

The Committee should therefore allow itself further time, at its current or at its forty-ninth session, to ensure that the question was considered in depth and from all angles.

69. The CHAIRMAN said that the secretariat would circulate a working paper to members of the Committee containing the recommendations of the Working Group under Article 40, on the basis of which the Committee could later examine the question of the organization of its work in depth.

The meeting rose at 1 p.m.